

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

GLEN K. ALLEN,

*

Plaintiff,

*

v.

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Civil Action No. 1:04-cv-3985

JOHN de NUGENT, et al.

*

Defendants.

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**PLAINTIFF'S RESPONSE TO COURT'S ORDER
DIRECTING PLAINTIFF TO SHOW CAUSE WHY COMPLAINT
SHOULD NOT BE DISMISSED WITHOUT PREJUDICE**

Plaintiff Glen K. Allen, in response to the Court's May 5, 2005 Order directing Plaintiff to show cause why his Complaint should not be dismissed without prejudice, states as follows:

The Plaintiff has encountered unusual difficulties in perfecting service on John de Nugent. Plaintiff has attempted service by registered mail, which he believes complies with Article 10(a) of the Hague Convention. See Ackerman v. Levine, 788 F.2d 830, 839 (2d Cir. 1986) (service by registered mail is appropriate under the Convention). Mr. de Nugent, however, according to the latest information Plaintiff has been able to obtain, is presently in a psychiatric hospital somewhere in southern France, following violence towards his wife, multiple incidents of bizarre behavior, and a suicide attempt. He may be in the process of being deported back to the United States. The Plaintiff has engaged a French attorney to assist him in this imbroglio, but so far service issues, among others, remain unresolved.

The Plaintiff did succeed in serving Brigitte de Nugent by registered mail on January 25, 2005. Plaintiff will file an Affidavit of Service reflecting this service today.

The Plaintiff does not intend to burden this Court with a futile lawsuit, but respectfully requests one more month, until June 20, 2005, to ascertain John de Nugent's whereabouts and mental condition and, if appropriate, to reissue and serve a summons on him.

Respectfully submitted,




Glen K. Allen (Federal Bar No. 06150)

DLA PIPER RUDNICK GRAY CARY US LLP
6225 Smith Avenue
Baltimore, Maryland 21209-3600
(410) 580-3000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of Mây, 2005, a copy of Plaintiffs' Response to Court's Order Directing Plaintiff to Show Cause Why Complaint Should Not Be Dismissed Without Prejudice was mailed first class, postage prepaid, to:

Brigitte de Nugent
Chez Christian Crye
5, rue Marius Renaud
13100 Aix-en-Provence
France



Glen K. Allen